

The Gazette



of India

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No. 20] NEW DELHI, SATURDAY, JUNE 28, 1958/ASADHA 7, 1880

## NOTICE

The undermentioned Gazettes of India Extraordinary were published upto the 21st June 1958 :—

Issue No.	No. and date	Issued by	Subject
105	S. O. 1122, dated the 14th June 1958.	Ministry of Railways	Appointment of Claims Commissioner to deal with claims compensation arising out of railway accident of 35 Up Kirti Express in Western Railways.
106	S. O. 1123, dated the 12th June 1958.	Ministry of Food and Agriculture.	Schedule of Tariff values for 1958-59.
107	S. O. 1124, dated the 14th June 1958.	Ditto . . . .	Delegation of power to collectors of districts specified there in in relation to the prices, stocks and transport of cattle fodder.
108	S. O. 1125, dated the 16th June 1958.	Election Commission, India.	Notice under section 116 of the Representation of the People Act, 1951 in relation to Election Petition No. 439 of 1957.
109	S. O. 1126, dated the 16th June 1958.	Ministry of Law	Declaration regarding election to fill casual vacancy in the House of the People from 268 Gurgaon Constituency.
120	No issue of S.O. 1127	..	..
111	S. O. 1128, dated the 18th June 1958.	Ministry of Labour and Employment.	Notice of the Working Journalists Wage Committee.
112	S. O. 1200, dated the 21st June 1958.	Central Board of Revenue	Amendments made in the Notification No. 2/Cus. IV/56, dated the 11th February, 1956.

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

## PART II—Section 3—Sub-section (ii)

**Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administrations of Union Territories).**

### ELECTION COMMISSION INDIA

*New Delhi, the 18th June 1958*

**S.O. 1203.**—It is hereby notified for general information that the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951, (XLIII of 1951), incurred by the person whose name and address are given below, as notified under notification No. BR-P/60/57(98) dated the 23rd September, 1957, has been removed by the Election Commission in exercise of the powers conferred on it by the said clause and section of the said Act:—

Shri Mishra Harishchandra, Village & P.O. Habibhauar, P.S. Bahera, Darbhanga.

[No. BR-P/60/57(98-R)/12228.]

By order,

A. S. NADKARNI, Under Secy.

*New Delhi, the 20th June, 1958/30th Jyaishta, 1880 (Saka)*

**S.O. 1204.**—In exercise of the powers conferred by sub-section (1) of section 13A of the Representation of the People Act, 1950 (43 of 1950), the Election Commission, in consultation with the Government of Bombay, hereby nominates Shri J. C. Agarwal, I.A.S., Deputy Secretary to the Government of Bombay, Political and Services Department, as the Chief Electoral Officer for that State with effect from the 16th June, 1958.

[No. 154/4/58.]

By Order,

S. C. ROY, Secy.

### MINISTRY OF LAW

#### ERRATUM

*New Delhi-2, the 19th June, 1958/Jyaishta 29, 1880 (Saka)*

**S.O. 1205.**—In the Ministry of Law Notification bearing S.O. No. 520, dated the 8th April, 1958, published in the Gazette of India, Extraordinary, Part II—Section 3, Sub-section (ii), dated the 9th April, 1958, containing declarations of the names of the candidates elected to fill the seats in the Council of States of certain members who retired on the 2nd April, 1958, on the expiration of their terms of office, in declaration No. (7) relating to Uttar Pradesh—

- (a) in the entry relating to Sri Jagannath Prasad for "P.O. Bisran" read "P.O. Biswan"; and
- (b) for "Rup Chand, Returning Officer" read "Rup Chandra, Returning Officer".

[No. F.5(4)/58-Elections.]

E. VENKATESWARAN, Under Secy.

### MINISTRY OF EXTERNAL AFFAIRS

*New Delhi, the 13th June 1958*

**S.O. 1206.**—In exercise of the powers conferred by clause (b) of sub-section (2) of section 3 of the Special Marriage Act, 1954 (43 of 1954), the Central Government hereby makes the following further amendment in the notification of

the Government of India in the Ministry of External Affairs No. S.R.O. 3449 (SMA. S3), dated 20th October, 1955, namely:

In the Table below the said notification, for the entries in Columns 1 and 2 relating to Ghana and Nigeria, the following entries shall be substituted namely:

"Ghana and Nigeria—

High Commissioner for India, Accra.  
First Secretary, High Commission  
for India Accra.  
Second Secretary, High Commission  
for India Accra".

[No. F.27(8)Cons.I/56]

S. N. SHEOPORI, Under Secy.

*New Delhi, the 20th June 1958*

**S.O. 1207.**—354-Eur.E/58.—In exercise of the powers conferred by section 4 of the Foreign Jurisdiction Act, 1947 (47 of 1947), and of all other powers enabling it in that behalf, the Central Government hereby makes the following amendment to the French Establishments (Application of Laws) Order, 1954, namely:—

In the Schedule to the said Order, after serial No. 13-B and the entries relating thereto, the following shall be inserted, namely:—

1	2	3	4	5
"13-C	1948	31	The National Cadet Corps Act, 1948.	.."

[No. F.36-3/58-Eur.E.]

A. DAS GUPTA, Under Secy.

## MINISTRY OF COMMERCE AND INDUSTRY

*New Delhi, the 20th June 1958*

**S.O. 1208.**—In exercise of the powers conferred by section 3 of the Forward Contracts (Regulation) Act, 1952 (74 of 1952), the President is pleased to appoints Shri J. N. Sen Gupta as a Member of the Forward Markets Commission, Bombay for a period of three years.

[No. 24(40)-TMP/57.]

K. V. VENKATACHALAM, Jt. Secy.

*New Delhi, the 20th June 1958*

**S.O. 1209.**—In exercise of the powers conferred by sub-section (2) of section 18-E of the Industries (Development and Regulation) Act, 1951 (65 of 1951), the Central Government hereby directs that in the continued application of the Companies Act, 1956 (1 of 1956) to Messrs. Jessop and Co. Ltd., Calcutta, an industrial undertaking whose management has been taken over by a Board of Management constituted by the order of the Central Government in the Ministry of Commerce and Industry No. S.O. 867 dated the 15th May, 1958, sections 275, 276, 277, 280 and 281 of that Act shall not apply to Shri B. P. Singh Roy, Chairman of the said Board so long as he holds the office of such Chairman.

[No. IDRA/18E(1)/58.]

B. B. SAKSENA, Jt. Secy.

## (TEA CONTROL)

*New Delhi, the 20th June 1958*

**S.O. 1210.**—Shri U. K. Ghoshal, I.C.S., Chairman, Tea Board has been granted leave on average pay for 30 days with effect from the 12th May, 1958 with permission to prefix thereto Sunday, the 11th May, 1958.

2. On the expiry of his leave, Shri Ghoshal's full time services have been placed at the disposal of the Ministry of Irrigation and Power.

[No. 1(9) Plant(A)/58.]

P. V. RAMASWAMY, Under Secy.

*New Delhi, the 21st June 1958*

**S.O. 1211./29/B/IDRA/58/2.**—In exercise of the powers conferred by sub-section (1) of section 29B of the Industries (Development and Regulation) Act, 1951 (65 of 1951), and in supersession of the notification of the Government of India in the Ministry of Commerce and Industry No. S.R.O. 1554 dated 15th May 1954, the Central Government hereby exempts from the operation of sections 10, 11, 11A and 13 of the said Act and of the relevant rules pertaining to those sections made thereunder, every industrial undertaking engaged only in the processing, blending or in the repacking of dye-stuffs falling under item "21. Dye-stuffs" in the First Schedule to the said Act.

[No. 6(2)/IA/IG/58.]

R. J. BHOJWANI, Under Secy.

## (PATENTS &amp; DESIGNS)

*New Delhi, the 21st June, 1958/31st Jyaistha 1880 Saka.*

**S.O. 1212.**—In exercise of the powers conferred by sub-section (1) of section 57 and sub-section (1) of section 77 of the Indian Patents and Designs Act, 1911 (2 of 1911), the Central Government hereby makes the following further amendments in the Indian Patents and Designs Rules, 1933, the same having been previously published as required by sub-section (2) of the said section 77, namely:—

In the said rules,

1. in rule 32A, for the words, figures and letter "section 22 or section 23A" the words, figures and letters "section 22, section 23A or section 23CC" shall be substituted;
2. in sub-rule (1) of rule 32B, for the words, figures and letter "section 22 or section 23A" the words, figures and letters "section 22, section 23A or section 23CC" shall be substituted;
3. in the First Schedule—
  - (a) in entry No. 20, for the word and figure "section 22" the words, figures and letters "section 22 or section 23CC" shall be substituted;
  - (b) in entry No. 20B, for the words, figures and letter "section 22 or 23A" the words, figures and letters "section 22, 23A or 23CC" shall be substituted;
4. in the Second Schedule—
  - (a) under the heading 'List of Forms',
    - (i) in the entry relating to Form 11A, in the second column, for the figure "22" the figures and letters "22 or 23CC" shall be substituted;
    - (ii) in the entry relating to Form 11C, in the third column, for the words, figures and letter "section 22 or 23A" the words, figures and letters "section 22 or 23A or 23CC" shall be substituted;
  - (b) in Form 11A, for the words and figures "Application For Compulsory Licence. Section 22" the words, figures and letters "Application For Compulsory Licence. Section 22 or 23CC" shall be substituted.

[No. 14(1)-TMP/58.]

## ORDER

## EXPORT TRADE CONTROL

*New Delhi, the 18th June 1958*

**S.O. 1213.**—In exercise of the powers conferred by sections 3 and 4A of the Imports and Exports (Control) Act, 1947 (18 of 1947), as in force in India and as applied to the State of Pondicherry, the Central Government hereby makes the following further amendment in the Exports (Control) Order, 1958, namely:—

In Schedule I to the said Order—

Under the heading "B. RAW MATERIALS AND ARTICLES MAINLY UNMANUFACTURED", entry (xiv) of item 2(a)—Magnesium ores—shall be omitted.

[No. Export(1)/AM(9).]

T. S. KUNCHITHAPATHAM, Under Secy.

## (Indian Standards Institution)

*New Delhi, the 16th June 1958*

**S.O. 1214.**—In pursuance of sub-regulations (2) and (3) of regulation 3 of the India Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed, have been established during the period 16th May to 15th June 1958.

## THE SCHEDULE

Serial No.	No. and title of the Indian Standard established	No. and title of the Indian Standard or standards if any, superseded by the new Indian Standard	Brief Particulars
(1)	(2)	(3)	(4)
1.	IS : 621-1957 Specification for Forks for Plantations and Estates.	..	This standard covers the requirements of nine types of forks used in plantations and estates for digging and weeding purposes. (Price Rs. 2.00).
2.	IS : 704-1957 Specification for Crow-Bars and Claw-Bars.	..	This standard covers the requirements for five types of crow-bars and one type of claw-bar generally used for digging and levering up purposes respectively. (Price Rs. 1.50).
3.	IS : 1003-1957 Specification for Timber Panelled and Glazed Doors and Windows.	..	This standard lays down the requirements for material, construction, workmanship and sizes of panelled and glazed doors and windows for use in domestic and office buildings. The standard sizes of doors and windows have been based upon a module of 10 cm. (Price Rs. 2.00).
4.	IS : 1103-1957 Specification for Brushes, Artists.	..	This standard prescribes the requirements and the methods of test for artists brushes filled with sable or genuine imported squirrel tail hair set in a suitable cement. (Price Rs. 1.50)

(1)	(2)	(3)	(4)
5.	IS : 1182-1957 General Recommendations for Radiographic Examination of Fusion Welded Joints.	..	This standard sets out recommendations for the radiographic examination of fusion welded butt joints in mild and low alloy steels of thickness upto 50 mm. It also prescribes a somewhat more sensitive technique and also a technique for gamma-radiography for special conditions. (Price Rs. 2.00)

Copies of these Indian Standards are available for sale with the Indian Standards Institution, "MANAK BHAVAN", 9 Mathura Road, New Delhi-1 and also at its Branch Offices at (i) 40/40A Cawasji Patel Street, Fort, Bombay-1, (ii) P-11, Mission Row Extension, Calcutta-1 and (iii) 2/21, First Line Beach, Madras-1.

[No. MDC/11(4).]

D. V. KARMARKAR, Deputy  
Director ((Marks).

#### ERRATA

In the Ministry of Commerce and Industry (Indian Standards Institution) Notifications No. MDC/11(5) and MDC/11(6) both dated the 19th May 1958 published in the Gazette of India, Part II—Section 3—Sub-Section (ii) dated the 31st May 1958 at page 838 as S.O. 974 and 975 respectively, please make the following alterations:—

- (i) In column 1 of S.O. No. 974 please *delete* the extra 'IS:203' printed above the design of the Standard Mark
- (ii) In line 8 of the column 'Marking Fee per Unit' of S.O. No. 975 please read '20,001st unit' for '20,000 1st unit'

#### ERRATA

The S.O. Nos. of the two notifications of the Indian Standards Institution published at page 1044 of the Gazette of India, Part II—Sec. 3(ii), dated the 21st June 1958, should be "1157 and 1158" instead of "1957 and 1958".

### MINISTRY OF STEEL, MINES AND FUEL

(Department of Iron & Steel)

New Delhi, the 20th June 1958

**S.O. 1215.—ESS. COMM/IRON & STEEL—2(c)/AM(19).**—In exercise of the powers conferred by sub-clause (c) of clause 2 of the Iron and Steel (Control) Order, 1956, the Central Government hereby directs that the following further amendment shall be made to the Notification of the Government of India, in the Ministry of Steel, Mines and Fuel, No. S.R.O. 2041/ESS.COMM/IRON AND STEEL-2(c), dated the 11th June, 1957, as amended from time to time, namely:—

In the Schedule annexed to the said notification, in columns 2 and 3 thereof, the following entry shall be added to the entries relating to 'MADHYA PRADESH'.  
namely:—

1	2	3
"4	Iron and Steel Controller, Madhya Pradesh.	4, 5, 10, 11, 12(2), 18, 20, 22, 23, 24(b), 24(c) and 24(d).

[No. SC(A)-4(498).]

*New Delhi, the 23rd June 1958*

**S.O. 1216/ESS.COMM/IRON AND STEEL-2(c)/AM(20).**—In exercise of the powers conferred by sub-clause (c) of clause 2 of the Iron and Steel (Control) Order, 1956, the Central Government hereby directs that the following further amendment shall be made to the notification of the Government of India, in the Ministry of Steel, Mines and Fuel, No. S.R.O. 2041/ESS.COMM/IRON AND STEEL-2(c), dated the 11th June, 1957, as amended from time to time, namely:—

In the Schedule annexed to the said notification, in columns 2 and 3 thereof, after entry No. 11 against 'OTHERS', the following entry shall be inserted, namely:—

2	3
"11 A. Deputy Chairmen Tea Board.	4 and 5."

[No. SC(A)-4(487).]

G. V. RAMAKRISHNA, Under Secy.

### MINISTRY OF HEALTH

*New Delhi-2, the 17th June 1958*

**S.O. 1217.**—It is hereby notified that the authorities specified in column 1 of the Schedule below have, in pursuance of the power conferred by the clauses specified in the corresponding entry in column 2 of that Schedule, of sub-section (2) of section 3 of the Prevention of Food Adulteration Act, 1954 (37 of 1954) nominated with effect from the 1st June, 1958, the person specified in the corresponding entry in column 3 of that Schedule, as a member of the Central Committee for Food Standards, in the vacancy caused by the expiry of the term of office of the person specified in the corresponding entry in column 4 of that Schedule.

#### THE SCHEDULE

Name of authority	Clause of sub-section (2) of Section 3 of the P.F.A. Act, 1954, under which nomination is made	Name of person nominated	Name of person whose term of office expires on 31-5-58.
(1)	(2)	(3)	(4)
Central Government	(c)	1. Dr. B. C. Guha, Head of Department, of Applied Chemistry University College of Science and Technology, Calcutta.  2. Dr. V. Subrahmanyam, Director, Central Food Technological Research Institute, Mysore.	1. Dr. K. Mitra, Asstt. Director General of Health Services, New Delhi.  2. Dr. V. Subrahmanyam, Director, Central Food Technological Research Institute, Mysore.

(1)	(2)	(3)	(4)
<b>Central Ministries or:—</b>			
Commerce and Industry . . . . .	(d)	Shri V. A. Mehta, Deputy Development Officer (Food) Development Wing, Ministry of Commerce and Industry, New Delhi.	Shri V. A. Mehta, Asstt. Development Officer Development Wing, Ministry of Commerce and Industry, New Delhi.
Defence . . . . .	(d)	Lt. Col. F. M. James, A. M.C. Asstt. Director of Supplies and Transport, Q.M.G.'s Branch, Army Headquarters, New Delhi.	Lt. Col. A. G. Fernandes, A.M.C., Asstt. Director of Supplies, Q.M.G.'s Branch, Army Headquarters, New Delhi.
<b>State Governments of:—</b>			
Andhra Pradesh . . . . .	(e)	Dr. K. Somayya, Asstt. Director of Public Health (Nutrition), Andhra Pradesh, Hyderabad.	Dr. V. Somasundara Rao, Asstt. Director of Public Health, Andhra Pradesh, Hyderabad.
Uttar Pradesh . . . . .	(e)	Dr. R.S. Srivastava, Public Analyst to the Govt. of U.P., Lucknow.	Shri S. Roy, Public Analyst, Govt. of U.P., Lucknow.
Punjab . . . . .	(e)	Dr. D.D. Sharma, Dy. Director, Health Services, Punjab, Chandigarh.	Dr. B.D. Kochhar, Public Analyst, Govt. of Punjab Ambala Cantt.
Orissa . . . . .	(e)	Shri Amarendra Nath Das, Public Analyst to the Govt. of Orissa, State Public Health Laboratory, Cuttack.	Shri Amarendra Nath Das, Public Analyst to the Govt. of Orissa, State Public Health Laby., Cuttack.
Bihar . . . . .	(e)	Dr. S.C. Ray, Director of Public Health Institute, Patna-4.	Dr. S.C. Ray, Chemical Analyst to the Govt. of Bihar, Patna.
Rajasthan . . . . .	(e)	Shri P.N. Bhargava, Chief Public Analyst, Rajasthan, Jaipur.	Shri P. N. Bhargava, Chief Public Analyst, Rajasthan, Jaipur.
Mysore . . . . .	(e)	Dr. S. Seshagiri Rau, Director of Public Health, Govt. of Mysore, Mysore.	Dr. S. Seshagiri Rau, Director of Public Health, Govt of Mysore, Mysore.
Central Government . . . . .	(f)	1. Dr. Tajwiz Singh, Asstt. Director of Health Services, Himachal Pradesh, Simla.	1. Dr. Tajwiz Singh, Asstt. Director of Health Services, Himachal Pradesh, Simla.
		2. Lt. Col. M. S. Booparai, Municipal Health Officer, New Delhi.	2. Major M.S. Chodha, Director of Health Service, Delhi.
Central Government . . . . .	(g)	1. Shri Pitambar Mohanlal, M/S Parle Food Products Ltd., Bombay.	1. Shri Gulabchand Hirachand, Walchandanger Industries Ltd., Construction House, Ballard Estate Port, Bombay.

(1)	(2)	(3)	(4)
Central Government— <i>Contd.</i>	2. Shri B. B. Sardeshpande, Director, Corn Products India (Private) Ltd., Srinivas House, Waudby Road, Fort, Bombay-1.	2. Shri P. D. Bhargava, Middland Fruit and Vegetable Products, Masani Railway Station Mathura, Uttar Pradesh.	
Indian Council of Medical Research.	(h) Dr. C. Gopalan, Deputy Director, Nutrition Research Laboratories, Coonoor.	Dr. C. Gopalan, Deputy Director, Nutrition Research, Laboratories, Coonoor.	

[No. F.14-13(A)/53-PH.]

**S.O. 1218.**—In exercise of the powers conferred by Section 3 of the Prevention of Food Adulteration Act, 1954 (37 of 1954), the Central Government hereby makes the following further amendments in the notification of the Government of India in the Ministry of Health, No. S.R.O. 1236 dated the 1st June, 1955, namely:—

In the said notification—

- (1) for entries 3 and 4, the following entries shall be substituted, namely:—
  - "3. Dr. B. C. Ghua, Head of Department of Applied Chemistry, University College of Science and Technology, Calcutta.
  4. Dr. V. Subrahmanyam, Director Central Food Technological Research Institute, Mysore"
- (2) for entries 6 and 8 the following entries shall be substituted, namely:—
  - "6. Shri V. A. Mehta, Deputy Development Officer (Food), Development Wing, Ministry of Commerce and Industry, New Delhi.
  8. Lt. Col. F. M. James, A.M.C., Assistant Director of Supplies and Transport, Q.M.G.'s Branch, Army Headquarters, New Delhi";
- (3) for entries 10, 13, 15, 17 and 18 the following entries shall respectively be substituted, namely:—
  - "10 Dr. K. Somayya, Assistant Director of Public Health (Nutrition), Andhra Pradesh, Hyderabad."
  - "13. Dr. R. S. Srivastava, Public Analyst to the Govt. of Uttar Pradesh Lucknow."
  - "15. Dr. D. D. Sharma, Deputy Director, Health Services, Punjab, Chandigarh."
  - "17. Shri Amarendra Nath Das, Public Analyst to the Govt. of Orissa, State Public Health Laboratory, Cuttack."
  - "18. Dr. S. C. Ray, Director of Public Health Institute, Patna 4";
- (4) entry 20 shall be renumbered as entry 19 and for entries 21 and 23, the following entries shall be substituted, namely:—
  - "20. Shri P. N. Bhargava, Chief Public Analyst, Rajasthan, Jaipur.
  21. Dr. S. Seshagiri Rau, Director of Public Health, Government of Mysore, Mysore."
- (5) for entries 26 and 27, the following entries shall be substituted, namely:—
  - "22. Dr. Tajwiz Singh, Assistant Director of Health Services, Himachal Pradesh, Simla."
  - "23. Lt. Col. M. S. Booparai, Municipal Health Officer, New Delhi";
- (6) for entries 28 and 29, the following entries shall be substituted, namely:
  - "24. Shri Pitambar Mohanlal, M/S Parle Food Products Ltd., Bombay.
  25. Shri B. B. Sardeshpande, Director, Corn Products India (Private) Ltd., Srinivas House, Waudby Road, Fort, Bombay-1.";

(7) for entry 30, the following entry shall be substituted, namely:—

"26. Dr. C. Gopalan, Deputy Director, Nutrition Research Laboratories, Coonoor.";

(8) for the expression "Government of each Part 'A' State and Part B State", the expression "State Government", and for the expression "Part C States", the expression "Union Territories" shall be substituted.

[No. F.14-13(B)/58-PH.]

S. IFTIKHAR HUSAIN, Dy. Secy.

*New Delhi, the 18th June 1958*

**S.O. 1219.**—The Councillors and the Aldermen of the Municipal Corporation of Delhi having elected Sarvashri R. N. Agarwala and Sikander Lal as their representatives on the Delhi Development Authority, the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Health No. F. 12-173-57-LSG dated the 30th December, 1957, namely:—

In the said notification, for items 5-6 and connected entries, the following should be substituted, namely:—

5. Shri R. N. Agarwala,	} Members, (elected by the Councillors and Aldermen of the Municipal Corporation of Delhi).
6. Shri Sikander Lal	

[No. F. 12-173/57-L.S.G.]

A. V. VENKATASUBBAN, Dy. Secy.

## MINISTRY OF FOOD AND AGRICULTURE

(Department of Agriculture)

*New Delhi, the 18th June 1958*

**S.O. 1220.**—In exercise of the powers conferred by sub-rule (2) of Rule 11, clause (b) of sub-rule (2) of rule 14 and sub-rule (1) of rule 23 of the Central Civil Services (Classification, Control and Appeal) Rules, 1957, the President hereby directs that the following further amendments shall be made in the schedule to the notification of the Government of India in the Ministry of Agriculture No. S.R.O. 634-A dated the 28th February 1957, namely:—

In the said schedule—

(1) in Part I—General Central Service, Class III

(a) for the sub heading "Soil Conservation Research Demonstration and Training Centres" in column 1, the sub-heading "Soil Conservation Research Demonstration and Training Centres Dehra Dun/Kotah/Bellary/Ootacamund/Chatra/Vasad" shall be substituted;

(b) after the existing entries, the following entries shall be inserted, namely:—

1	2	3	4	5
oil Conservation Research Demonstration and Training Centres, Agra/Chandigarh.				
All posts with maximum pay not exceeding Rs. 220/- per month.	Assistant Soil Conservation Officer	Assistant Soil Conservation Officer	All	Deputy Secretary, Ministry of Food and Agriculture (Department of Agriculture)
All other posts	Deputy Secretary, Ministry of Food and Agriculture (Department of Agriculture)	Deputy Secretary, Ministry of Food and Agriculture (Department of Agriculture)	All	Joint Secretary, Ministry of Food and Agriculture (Department of Agriculture)

(2) in Part II—General Central Service, Class IV,

- (a) for the sub-heading "Soil Conservation Research Demonstration and Training Centres" in column 1, the sub-heading "Soil Conservation Research Demonstration and Training Centres Dehra Dun/Kotah/Bellary/Ootacamund/Chatra/Vasad" shall be substituted;
- (b) after the existing entries, the following entries shall be inserted, namely:—

1	2	3	4	5
Soil Conservation Research Demonstration and Training Centres, Agra/Chandigarh.				
All posts	Assistant Soil Conservation Officer	Assistant Soil Conservation Officer	All Deputy Secretary, Ministry of Food and Agriculture (Department of Agriculture)	

[No. 21-84/54-Soil Cons.(Instt.) ]

B. D. KAPUR, Under Secy.

## MINISTRY OF TRANSPORT AND COMMUNICATIONS

(Department of Transport)

(Transport Wing)

Ports

New Delhi, the 16th June 1958

**S.O. 1221.**—In pursuance of the provisions of clause (3) of Section 3 of the Indian Ports Act, 1908 (XV of 1908), the Central Government hereby authorises Shri Shridhar Vishnu Nene, Chief Officer of the Scindia Steam Navigation Company's coasting steamers, as a licenced officer to pilot vessels in the Port of Bombay, subject to the restrictions laid down in Part XII of the Bombay Port Trust Pilotage By-laws.

[No. 8C-PG(50)/58.]

New Delhi, the 17th June 1958

**S.O. 1222.**—In exercise of the powers conferred by sub-section (3) of section 3 of the Indian Ports Act, 1908 (XV of 1908), the Central Government hereby authorises Shri S. B. Satpute, pilot of the Bombay Port Trust, to pilot vessels in the Port of Bombay.

[No. 8A-PG(25)/58]

**S.O. 1223.**—In exercise of the powers conferred by sub-section (3) of section 3 of the Indian Ports Act, 1908 (XV of 1908), the Central Government hereby authorises Shri Rajkumar Sama, pilot of the Bombay Port Trust, to pilot vessels in the Port of Bombay.

[No. 8A-PG(26)/58]

I. INDIRA, Under Secy.

New Delhi, the 18th June 1958

**S.O. 1224.**—In pursuance of Sub-Rule (5) of rule 430 of the Indian Telegraphs Rules, 1951 the Central Government hereby specifies the 16th July 1958 as the date on which Message Rate System will be introduced at Raipur Telephone Exchange.

[No. 11-11/58-PHC.]

K. K. SARAN, Dy. Secy.

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**MINISTRY OF IRRIGATION AND POWER**

*New Delhi, the 16th June 1958*

**S.O. 1225.**—In exercise of the powers conferred by sub-rule (3) of Rule 45 of the Indian Electricity Rules, 1958, the Central Government hereby appoints the 1st July, 1958 as the date on which the provisions of sub-rule (1) of the said rule shall come into force in oil-fields, mines and railways.

[No. EL-III-354(18).]

N. S. VASANT, Officer on Special Duty.

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**MINISTRY OF RAILWAYS**

*New Delhi, the 20th June 1958*

**S.O. 1226.**—In exercise of the powers conferred by clauses (f) and (g) of sub-section (I) of section 47 of the Indian Railways Act, 1890 (9 of 1890), read with the notification of the Government of India in the late Department of Commerce and Industry, No. 801 dated the 24th March, 1905, the Railway Board sanction the application of the Rules published in the notification of the Government of India in the late Railway Department (Railway Board) No. 1080-T dated the 18th February 1926 as amended from time to time, to the North-East Frontier Railway from the date that Railway has been created.

[No. TCIII/3772/57.]

R. E. de Sa, Secy.

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**DELHI DEVELOPMENT AUTHORITY**

*New Delhi, the 18th June 1958*

**S.O. 1227.**—In exercise of the powers conferred upon me by section 36 of the Slum Areas (Improvement & Clearance) Act 1956, I, G. Mukharji, Competent Authority & Vice Chairman, Delhi Development Authority, hereby direct that powers under section 19 of the above said Act may also be exercised by the Executive Officer (Lands) Delhi Development Authority New Delhi.

[No. SC2(3)/57.]

G. MUKHARJI, Competent Authority & Vice Chairman.

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**MINISTRY OF LABOUR AND EMPLOYMENT**

*New Delhi, the 19th June 1958*

**S.O. 1228.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to Sree Madanpur Colliery, P.O. Ondal and their workmen.

**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT DHANBAD**

REFERENCE No. 8 OF 1958

Employers in relation to Sree Madanpur Colliery P.O. Ondal, Dt. Burdwan

*and*

Their workmen.

*Dhanbad, the 29th May 1958*

PRESENT:

Shri Salim M. Merchant, B.A.L.L.B., Chairman.

**APPEARANCES:**

Shri Kansai Paul, Advocate, with Shri Ganga Ram Panda, General Secretary, Colliery Mazdoor Samity.—for the workmen.

Shri D. Narsingh, Advocate, with Shri S. N. Murarka Director, and  
Shri T. R. Ghosh, Manager,—for the employer company.

STATE: Bihar.

INDUSTRY: Coal.

### AWARD

The Government of India, Ministry of Labour and Employment by Order No. LR11-55-1(65)/57 dated 26th February 1958, made in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (XIV of 47) was pleased to refer the industrial dispute between the parties in the matter specified in the schedule to the said order, which is reproduced below for adjudication to me.

### SCHEDULE

“(a) Whether the change of designations of Sarvashri Sudhir Kumar Chatterjee, Srinath Chakravarti, Sudhansu Shankar Ganguli, from Mining Sirdars to Shot-firers by the management of Sree Madanpur Colliery was justified having regard to their qualifications and the directions given in paragraph 787 of the Award of the A.I.I.T. (Colliery Disputes) read with Appendix XVII of the Award.

(b) Whether the termination of services of the three persons aforesaid by the management of the said colliery was wrongful and if so, whether they should be reinstated or given any other alternative relief.”

2. After the usual notices were issued upon the parties for filing the written statements, the written statement on behalf of the workmen was filed on 26th March 1958, and that of the employers on 22nd April, 1958 and the dispute was finally heard on 28th May 1958.

3. After the dispute was argued at length the parties filed terms of settlement reached between them and have prayed that an award be made in terms thereof. A copy of the terms of settlement dated 28th May, 1958 is attached herewith as Annexure ‘A’ and I make an award in terms of the said settlement, which shall form part of this award. There is no order as to costs.

Dhanbad,

The 28th May, 1958.

Sd/- SALIM M. MERCHANT.  
Chairman.

### ANNEXURE ‘A’

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD

REFERENCE No. 8 OF 1958

PARTIES: Sree Madanpur Colliery

Vs.

Their workmen.

### MEMORANDUM OF SETTLEMENT

May it please your Honour:

We the parties to the above dispute have arrived at the following settlement and pray that an award be made in terms thereof.

(1) That the company shall make an *ex-gratia* payment to the three workmen concerned in this dispute as follows:

(a) Shri Srinath Chakravarti. Rs. 910 (nine hundred and ten)

(b) Shri Sudhir Kumar Chatterjee. Rs. 650 (six hundred and fifty)

(c) Shri Sudhansu Shankar Ganguli. Rs. 226 (two hundred and twenty six).

The above payment shall be made by 10th June, 1958.

This amount is in addition to the other dues such as: Earned wages due upto and inclusive of 25th September, 1957.

(2) All arrears of bonus due upto the quarter ending 30th September 1957.

(3) Claim of the workmen for all benefits under the Decision of the Labour Appellate Tribunal dated 29th January, 1957 and such other dues which the workmen may legally have against the company by way of earned leave ect., by the end of June 1958.

In view of the above settlement, the workmen do not press for their claim for reinstatement.

Dhanbad,

The 28th May, 1958.

For the workmen:

Sd. K. L. PAUL, Advocate.

G. R. PANDAY

Sd...S. K. CHATTERJEE,

Sd... S. CHAKRAVARTI,

Sd...S. S. GANGULI.

For employers:

Sd. D. NARSINGH

Advocate.

MURASKA, Director

Tanken on file, Sd... Manager.

Sd...Salim M. MERCHANT,  
Chairman,

Central Government Industrial Tribunal.  
Dhanbad, 28th May, 1958.

Explained in Bengali

to the workmen, Sd. G. R. PANDAY.

[No. LR.II/55-1(65)/37.]

New Delhi the 19th June 1958

**S.O. 1229.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to Burdroochuck Colliery of M/S Bird & Co. (Private) Ltd. and their workmen.

# BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD.

REFERENCE No. 7 OF 1958.

Employers in relation to the Burdroochuck Colliery of Messrs, Bird & Co. (Private) Ltd.

and

Their workmen

Dated the 5th June 1958

PRESENT

Shri Salim M. Merchant, B.A.L.L.B., Chairman.

APPEARANCES:

Shri S. S. Mukherjea, B.Sc.B.L. Advocate, with Shri J. L. Sinha, Group Personnel Officer,—for the company.

Shri Lalit Burman, General Secretary, Bihar Koyala Mazdoor Sabha,—for the workmen.

State: Bihar

Industry: Coal.

## AWARD.

The Government of India, Ministry of Labour & Employment by order No LR.II-2(7)/58 dated 26th February 1958, made in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947(XIV of 47); was pleased to refer the dispute between the parties above-named, in respect of the matters specified in the schedule to the said order, which is as follows, to this Tribunal for adjudication:—

## SCHEDULE

“(1) Whether the transfer of Shri Mathura Prasad from Grade II to Grade III by the management of Burdroochuck colliery was justified or it amounted to improper demotion?

(2) Whether keeping (1) above in view, his subsequent dismissal was wrongful?

(3) If so, what relief is he entitled to?"

2. After the usual notices were issued the workmen filed their written statement on 3rd April 1958 and the company filed its reply on 28th April 1958 and the reference was heard by me at Dhanbad on 23rd May 1958 at which the company examined its manager and thereafter the parties made their submissions.

3. The facts resulting in the dismissal of the workman concerned Shri Mathura Prasad from service by the company's order dated 27/30 July 1957 are as follows. Shri Mathura Prasad originally joined this colliery as far back as on 5th August 1938 but there was a break in his service and he was re-appointed on 6th November 1939 and since then he has been in continuous service of this company till his dismissal in July 1957. He had thus on the date of his dismissal, put in about 18 years completed continuous service with this company. It is admitted that Shri Mathura Prasad was a permanent employee of the company and that he had worked in various capacities as attendance clerk, census clerk, and for a short period as Safety Lamp Issue Clerk till he was appointed as ration clerk in September 1948 in which post he continued till about June 1956. It is admitted that after the award of the All India Industrial Tribunal (Colliery Disputes), (hereinafter referred to as the Majumdar Award), came into operation in about May 1956, the ration department in this colliery was abolished in about July 1956 and thereafter between July and December 1956 Shri Mathura Prasad was asked to attend work in connection with payment of arrears and provident fund register, but during this period he continued to be described in the records of the company as "ration clerk". According to the management in December 1956 there was a permanent vacancy in the post of lamp issue clerk in the Lamp Cabin Department and Mathura Prasad was appointed to that post. As ration clerk his basic salary was Rs. 32 per month, but after adjustment as prescribed by the Majumdar Award his basic salary was raised to Rs. 54 per month and this basic pay was continued when he was appointed as lamp issue clerk in December 1956. His appointment to the Lamp Cabin Department was made by a letter dated 10th December 1956, (annexure I to the union's written statement) in which it is stated that he was transferred to work as a Lamp Issue Clerk with effect from 10th December 1956. Shri Mathura Prasad worked in that department as Lamp Issue Clerk till about 3rd May 1957, when he fell ill and took 10 days medical leave and obtained a fit certificate from the Medical Officer of the company on 13th May 1957. On 20th May 1957 he addressed a letter to the Manager in which he stated that he had frequently requested him (the manager) to transfer him to the office section where many clerks junior to him had been put in the higher grade II for clerks. It may here be stated that as Lamp Issue Clerk he was entitled to pay in the scale prescribed for grade III clerks which is lower than the pay for grade II clerks. He stated that shift duty in the Lamp Cabin Department was affecting his health adversely and requested the Manager to give him work in the office and to put him in grade II. In his letter he observed.

"If your honour has got any objection regarding my transfer, I will be bound say the injustice of management and also request to clear my dues with the service compensation."

It appears that his request was turned down and on 29th May 1957 he was directed to rejoin his duty as Lamp Cabin Clerk with immediate effect. He, however, failed to comply with this order and thereafter on 8th June 1957 the manager issued a charge sheet against him charging him with misconduct of wilful insubordination or disobedience of the lawful or reasonable order of his superior officer under para 27(1) of the Certified Standing Orders in force in the company. The misconduct alleged was that he had failed to comply with the directions dated 29th May 1957 to rejoin duty as Lamp Cabin Clerk. To this charge sheet Shri Mathura Prasad submitted his explanation on 9th June 1957, in which he expressed his surprise at the charge sheet and stated that he was awaiting the management's reply to his said letter dated 20th May 1957. He further stated that he had sent a letter as per verbal advice of the Chief Medical Officer and that he was still waiting for the reply for necessary action thereafter. (See Annexure 'A' to the company's written statement).

4. Thereafter, the Welfare Officer of the colliery held an enquiry in the presence of Shri Mathura Prasad on 17th June 1957. At the enquiry the manager of the colliery Shri Anil Kumar Chatterjee was examined as prosecution witness No. 1. He stated that when he joined the colliery as the manager in February

1956 Shri Mathura Prasad was working as a Ration Clerk and that on the abolition of the Ration Department in June 1956 Shri Mathura Prasad was given work in the Provident Fund Department to complete the arrear wage sheets and prepare permanent Register. He stated that he had appointed Mathura Prasad to a permanent vacancy in the Lamp Cabin in December 1956; that after that he had been continuously working in the Lamp Cabin, till 3rd May 1957 when he reported sick and was declared fit on 13th May by the Medical Officer but he did not join his duties in Lamp Cabin and was loitering in the office which fact was brought to his notice by the Time Keeper after two days of his not having joined service. He stated that he called Mathura Prasad and when he saw him on 15th May 1957, he asked him to join his duties in the Lamp Cabin as usual, but he did not join; that he had forwarded Mathura Prasad's letter of 20th May 1957 to the Chief Personnel Officer, and after due consideration, Mathura Prasad was directed to join his duties in the Lamp Cabin on 29th May 1957 which he had failed to do and therefore the charge sheet No. 117 was issued to him.

5. Shri Mathura Prasad declined to cross-examine the Manager but a supplementary statement of the Manager was also recorded to which I shall refer presently. The Medical Officer in his evidence at the enquiry stated that he did not tell Shri Mathura Prasad that he (Mathura Prasad) was not fit to work in Lamp Cabin and that what he told him was that, "The man is either fit or unfit for a job."

6. The statement of Mathura Prasad was also recorded at the enquiry in which he stated that he had verbally told the Manager in December 1956 not to send him to the Lamp Cabin as his health was not good and he should be put in Grade II, but that the Manager had assured him that the arrangement was temporary. On this assurance and in order to respect the order of the management, he continued working in the Lamp Cabin section till 3rd May, 1957, when he fell ill. He said that the Manager had said that he could not remove another clerk and put him in the office. He had then told the Manager that he should decide to appoint him according to the juniority and seniority of clerks. He stated that he had produced the fit certificate on the 13th of May and asked the manager to give him some light work but he told him to go to the lamp cabin; that he again went to the Medical Officer who again advised him to take rest for another 15 days and that he got a sick certificate from the Medical Officer on 14th May, 1957 for the period upto 29th May, 1957. On 29th May, 1957 he received a letter No. W.O.57/156 dated advising him to join duty immediately on 29th May, 1957. He, however, did not join duty on 29th May, 1957 because he was awaiting the reply of the management to his letter dated 20th May, 1957 and that he had addressed another letter on 30th May, 1957 asking the Manager to clarify the position with regard to his work and grade and that the Manager had remarked on the letter, "you are to join duties in the Lamp cabin," and according to him this remark was made on 31st May, 1957. He further stated that as his claim for grade II and for being provided with work in the office section was not considered and as he was ill, he did not join duties in the Lamp Cabin, on 29th May, 1957, as directed. He was cross-examined by the Manager and the Welfare Officer and his statement that he had seen the Manager on 13th May, 1957 was questioned but it appears to have been a correct one as is clear from the Manager's supplementary statement recorded at the enquiry, in which the manager has stated that he did not remember whether Mathura Prasad saw him on 13th May or not. In this supplementary statement the manager stated that he had sent for Mathura Prasad on 15th May, 1957 and asked him why he had not joined duty to which Mathura Prasad replies that he was unable to work in the Lamp Cabin section because his health did not permit him to do so. The manager in his supplementary statement stated that on 18th May, 1957 he had received the sick certificate dated 14th May, 1957 issued by the Medical Officer declaring him sick from 14th May, 1957. Thereupon the Manager contacted the Medical Officer and asked him how the certificate was issued that Mathura Prasad was sick from 14th May, 1957, when he (Mathura Prasad) had seen the manager on the 15th May. Thereupon the Medical Officer asked that the medical certificate should be sent back to him and he never saw the medical certificate again. Thereafter, he was served with a dismissal order dated 27/30th July, 1957. On 12th August, 1957 he made a representation to the management praying that the order of dismissal be altogether rescinded or suitably reduced. On 18th September, 1957 the manager wrote to him saying that the Chief Mining Engineer had reconsidered his case and had decided to re-employ him on the terms that he would be in the former scale of pay and that he would give an undertaking in writing that he will work wherever he is placed. He asked Mathura Prasad to give the undertaking within a week. To this Mathura Prasad addressed another representation to the Chief Mining Engineer on 21st September, 1957, in which

he requested that he should not be re-employed, in the sense of being a new entrant and thus lose the benefit 18 years service, and that he may be allowed to work in any other place except in the lamp cabin and that he would be paid emoluments according to the place and post to which he is appointed. To this the Chief Mining Engineer replied by his letter dated 26th September, 1957 in which after referring to the earlier letter in which an offer was made to Mathura Prasad that he would be re-employed on the following two conditions:

"(1) That you would undertake in writing to work wherever you were ordered.

(2) That you would join as a new entrant but on your former rate of pay." He stated that since Mathura Prasad was not prepared to accept the above conditions, the order of dismissal passed by the Manager would stand. The Chief Mining Engineer concluded his letter by stating, "there can be no question of discharging him with compensation as he had been dismissed for misconduct."

Thereafter the workmen raised an industrial dispute and this reference was made on 6th September, 1957.

7. On issue No. 1, under reference the Union's contention is that though designated as Ration Clerk Shri Mathura Prasad was substantially doing the work of a Ration-in-Charge and under the classification fixed by Appendix XVI of the Majumdar Award for Ration-in-Charge he was entitled on the date the Majumdar Award came into operation on 26th May, 1956 to be placed in the clerical Grade II and therefore his subsequent appointment as Lamp Issue Clerk in the Lamp Cabin section, which was a grade III clerical post, had amounted to his demotion. The company on the other hand, contends that as Ration Clerk Shri Mathura Prasad was doing the work of a "Ration Issue Clerk" for which designation under the Majumdar Award, Appendix XVI, he was only entitled to be placed in the clerical Grade III and therefore his subsequent appointment as Lamp Issue Clerk in the clerical grade III was proper and did not amount to his demotion.

8. Now, appendix XVI, Volume II of the Majumdar Award deals with grading and nomenclature of the clerical staff. Under the grading, "Assistant Rice Keepers" (Assistant Ration in charge) and "Ration Issue Clerks" have been classified in grade III but "Ration-in-charge" (Rice keepers) has been classified in grade II. For grade III clerks, the Majumdar Award had prescribed the pay scales of Rs. 36-3-75 and for grade II clerks the scale of Rs. 45-3-54-6-90, which was raised by the decision of the Labour Appellate Tribunal to Rs. 43-3-81 and Rs. 48-3-93 respectively. It must, however, be noted that in appendix XVI of the Majumdar Award there is no nomenclature like that of Ration Clerk. The manager of the colliery Shri Anil Kumar Chatterjee has stated in his evidence before me that the designation of Shri Mathura Prasad was Ration Issue Clerk. But from the records of the company it was ascertained that Shri Mathura Prasad was designated as "ration clerk" and not as "Ration Issue Clerk". The notice dated 10th December, 1957, served upon him also describes him as "Ex-ration clerk" and it was also admitted that after the abolition of the Rationing Department when Shri Mathura Prasad was working as a clerk in the Provident Fund Department, he was designated in the pay register as "Ex-ration clerk". It is therefore, more than clear that Shri Mathura Prasad was not designated as Ration Issue Clerk as wrongly stated by the management but as "Ration Clerk". The manager of the colliery Shri Anil Kumar Chatterjee, in his evidence in this reference has stated that the store keeper of the colliery, was in charge of the stock of rice and other foodgrains of the ration department, and that the store keeper used to supply the stocks to foodgrains to Shri Mathura Prasad and it was Shri Mathura Prasad's duty to issue rations to the workmen and maintain an account of the food-grains issued. This definitely suggests that Shri Mathura Prasad had higher and more responsible duty to discharge than a mere ration-issue clerk. It must also be remembered that he was an experienced clerk with 18 years' service and such an experienced clerk would not normally have been appointed as a mere ration issue clerk. There is also the additional factor in favour of Shri Mathura Prasad that he was permanent in service and prior to his being appointed to the ration department had worked as attendance clerk, which post has been classified by the Majumdar Award in the grade II for clerks. Even after the rationing department was abolished Shri Mathura Prasad was not retrenched but was appointed to do the clerical work of arrears payment and Provident Fund register in the Provident Fund Department. Now "Bonus" and "Provident Fund" clerks have been placed

in grade II by Appendix XVI of the Majumdar Award. Thus, even after the abolition of the Ration Department Shri Mathura Prasad was assigned the duties of a Grade II clerk. It does, therefore, appear that there was justification for Shri Mathura Prasad laying a claim to being classified in the post of grade II clerks. His case is that he was assured by the Manager that he would be kept as lamp issue clerk only temporarily and that he would be brought back to the office section later on. The manager in his evidence has denied that he gave any such assurance to Mathura Prasad. The manager has further stated that he had appointed Mathura Prasad to a permanent vacancy in the post of a Lamp Issue Clerk in the Lamp Cabin Section. But the letter dated 10th December, 1956 only states that he was transferred to work as Lamp Issue Clerk with effect from 10th December, 1956. It does not state that he was appointed to a permanent post or that he was to be placed in grade III. Therefore the statement of the Manager that he had appointed him to a permanent vacancy appears to be an after thought. No doubt Shri Mathura Prasad had accepted the post of Lamp Cabin Issue Clerk, but he evidently hoped to appeal to the management to place him in grade II for clerks at a later date. As stated by him in his cross-examination at the departmental enquiry he had not asked for a grade at the time of his transfer to the lamp cabin section but made a representation later on when the question of grading was raised. In all these circumstances, I hold on issue No. 1 that the transfer of Shri Mathura Prasad to grade III as Lamp Issue clerk was not justified and that it had amounted to his demotion.

9 Now with regard to the second issue whether keeping issue No. (1) in view, his subsequent dismissal was wrongful. It is admitted that the lamp cabin department works in shifts and therefore there is change of working hours after short intervals. Mathura Prasad immediately prior to his appointment to the lamp cabin section was employed for a considerable prior in the office section which being an indoor department has no change of shifts. The change of shift appears to have affected his health adversely as he was suffering from gastric trouble. He fell sick on 3rd May, 1957 and obtained a sick certificate from the Medical Officer till 13th May, 1957 and another sick certificate on 14th May, 1957 for another fortnight till 29th May, 1957. At the enquiry the Medical Officer of the company is shown as having been examined as a defence witness for Mathura Prasad but the answer he gave is a curious one in as much as he said that he had not told Mathura Prasad that he was not fit to work in the lamp cabin but that a "man is fit his job or not". This, however, makes no meaning. All the same the fact remains that the Medical Officer had issued another sick certificate to Shri Mathura Prasad 14th May, 1957 which was valid for a fortnight till 29th May, 1957.

10. In the meantime, on 20th May, 1957 he had addressed a letter to the management in which he requested that he be transferred to the office and put in a claim to be placed in grade II. He further requested that if the transfer was not granted, he might be allowed to clear his dues "with compensation for his past services." He was awaiting the managements' reply to this request when he was asked to re-join his duty from 29th May, 1957 and when he failed to do so, he was charge sheeted on 8th June, 1957. The charge sheet was that he had been guilty of wilful insubordination or disobedience of order under para 27(1) of the Standing Orders. Now standing order 27(1) is as follows:—

"An employee may be suspended, fined or dismissed without notice or any compensation in lieu of notice if he is found to be guilty of misconduct, provided that suspension without pay, whether as a punishment or pending an enquiry, shall not exceed 10 days. The following shall denote misconduct.

- (1) Wilful insubordination or disobedience, whether alone or in combination with another or others of any lawful or reasonable order of a superior."

Shri Mathura Prasad's plea was that he has not resumed duty on 29th May, 1957 because he was awaiting the management's reply to his representation which he had addressed on 20th May, 1957 and that it was not possible for him to continue to work in the lamp cabin section because his health has suffered by working there as a result of the change in shifts. The management however, held him guilty of misconduct under clause 27(1) of the Standing Orders and Ordered his dismissal.

11. The question under issue No. 2 is whether keeping in view issue No. 1, his subsequent dismissal was wrongful and under issue No. 3 what relief he is entitled to. It has been argued by the Union that the dismissal of Shri Mathura Prasad in the circumstances of the case was **wrongful and should be set aside**. It is urged that in any case the punishment was **harsh & excessive**. It is urged in support that this workman has put in as many as 18 years' continuous service and his record of service was unblemished and that this was the first misconduct with which he was charged. This has not been denied by the management. It is urged that the management had also not taken into account the circumstances of his case by which he had pleaded that his health had suffered because of the work in the lamp cabin section where the shift system prevails and he was awaiting the reply of the management to the representation dated 20th May, 1957. It is urged that in failing to carry out the orders of the management at worst he had committed a minor misconduct for which the punishment of dismissal was in the circumstances of the case excessive. It has been urged by Shri Mukherjee on behalf of the management that once he was found guilty of the misconduct with which he was charged, the proper punishment was for the management to decide and the Tribunal has no powers to interfere. In that connection, he has relied upon the decision of the Labour Appellate Tribunal in the case of Buckingham & Carnatic Mills Ltd and its workmen (1951-II-L.L.J. 314) but in that decision the Tribunal whilst laying down that ordinarily the management should have the right to decide the appropriate punishment in each case has provided certain exceptions and one of them is that a decision of the management is liable to revision by a Tribunal if it is so unjust that a remedy is called for in the interest of justice. In that decision it was also held that unnecessary harshness of punishment would amount to victimisation or unfair labour practice and that in such cases the Tribunal would be justified in interfering. Shri Mukherjee has also relied upon the decision of the Hon'ble Supreme Court in the case of Indian Iron & Steel Co Ltd. and their workmen (1958-I-L.L.J. 260). In that case their Lordships have laid down that though undoubtedly, the management of a concern has power to direct its own internal administration and discipline; but the power is not unlimited and when a dispute arises, industrial tribunals have been given the power to see whether the termination of service of a workman is justified and to give appropriate relief. In cases of dismissal on misconduct, the Tribunal does not however sit as a court of appeal and substitute its own judgment for that of the management. It will interfere (i) when there is want of good faith, (ii) when there is victimisation or unfair labour practice, (iii) when the management has been guilty of a basic error or violation of principle of natural justice and (iv) when on the materials the finding is completely baseless or perverse. I do not think that this is an authority for the proposition that where the Tribunal finds that the punishment is harsh or excessive and thus amounts to an unfair labour practice it cannot interfere and give necessary relief. In the case of the Madras Electric Trams Limited, Madras, and their workmen (1951-II-L.L.J.p.204) a Special Bench of the Labour Appellate Tribunal held that, "ordinarily a management acting *bonafide* and with knowledge and experience of problems which confront it in the daily work of the concern, ought to be considered to be well qualified to judge what the appropriate punishment should be, but the punishment must not be unduly excessive for the particular offence; and here again the tribunal must not substitute its own judgment for the judgment of the management unless it is apparent that the requirements of discipline and good conduct would not be prejudiced if a lesser punishment were awarded.... it is essential that these matters should not be viewed altogether subjectively from the point of view of the employer or employee, but also objectively in the interest of discipline and good management."

12. Applying these tests, the question rises whether punishment of dismissal in the circumstances of the case was wrongful. I would be entitled to interfere if the punishment is held to be excessive and unjust, in which case it would be an instance of unfair labour practice. I am of the opinion, that considering all the facts and circumstances of the case, the punishment of dismissal must be held to be excessive, unjust and consequently wrongful. I am inclined to hold this on the following facts and circumstances:—

- (1) That the management does not appear to have taken any account of the workmen's 18 years' continuous service which Shri Mathura Prasad has put in;
- (2) That this was the first misconduct with which Mathura Prasad had been charged;

- (3) That the management had not considered his explanation on that he had not resumed duty on 29th May 1957 because he was awaiting the manager's reply to his application dated 20th May 1957 in which he had prayed that he may be transferred from this department and that he may be placed in grade II;
- (4) That the management had not paid any heed to his request that if he could not be transferred his services may be terminated with payment to him of retrenchment compensation;
- (5) That throughout the attitude of Shri Mathura Prasad was not one of defiance but of supplication;
- (6) That the management did not take into account the fact that prior to his transfer to the Lamp Cabin section he had for long periods worked in the office section where there is no change of shift nor did it consider the effect of the change of shift on the general health of the workman, who was suffering from jastric trouble. That the management itself did not consider the misconduct as serious is also proved by the fact that on Shri Mathura Prasad's subsequent petition the management was prepared to re-employ him in service but wanted to deprive him of the benefit of the 18 years service which he had put in and to the higher grading to which he was entitled by taking him back only as a new recruit. I would therefore hold on the second issue under reference that the dismissal of Shri Mathura Prasad was wrongful.

13. Under issue No. 3 I have to consider what relief he is entitled to. Though I hold that the dismissal is wrongful considering that Mathura Prasad had himself applied that he would prefer to be relieved from service on payment of compensation for past services, I think justice would be done if it is treated as a case of discharge and not of dismissal, with payment to him of compensation at the rate of half month's average pay (basic wage plus dearness allowance) for each completed continuous year of service or any part thereof in excess of six months put in by him upto 29th May 1957 with one month's notice pay. He will also be entitled to such other benefits as he would be entitled on discharge, under the terms and conditions of service applicable to him. I further direct that the amount awarded be paid to him within one month from the date of the award becomes enforceable.

SALIM M. MERCHANT,

Chairman,  
Central Govt. Industrial Tribunal,  
Dhanbad.

Dhanbad,  
The 5th June 1958.

[No. LR/II/2(7)/58.]

*New Delhi, the 23rd June 1958*

**S.O. 1230.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to BOKHARO JHARIA COLLIERY P.O. Karmatand (Hazaribagh) and their workmen.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL DHANBAD.

REFERENCE No. 11 of 1958.

Employers in relation to Bokharo Jharia Colliery  
and

Their workmen.

Dhanbad, dated the 7th June 1958.

PRESENT:

Shri Salim M. Merchant, B.A. LL.B., *Chairman.*

APPEARANCES:

Shri Prosanta Burman, Vice President, Coal Workers Union, Agrawalla Colliery Branch,—*for the workmen.*

Shri T. P. Mukherjee, Manager, Bokharo Jharia Colliery, with Shri H. P. Singh, Welfare Officer, Bokharo Jharia Colliery,—*for the employers.*

State: Bihar.

Industry: Coal.

## AWARD

The Government of India, Ministry of Labour & Employment by its Order No. LR.II-2(9)/58, dated the 14th March 1958 made in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (XIV of 47), was pleased to refer the dispute between the parties above named in respect of the matters specified in the schedule to the said order, which is reproduced below, to me for adjudication:—

"Whether the management of Bokharo Jharia colliery have thrown out of employment Sarvashri Gaffur Mian, Nuroo Mian and Sambhu Koiri, without any notice, and if so, what relief they are entitled to?"

2. After the reference was received and upon the usual notices being served upon the parties, the Vice President of the Coal Workers Union, Shri Prosanta Burman, filed the written statement on behalf of the workmen on 8th April, 1958 and the management filed its written statement in reply on 14th May, 1958 and thereafter the hearing was fixed for 6th June, 1958.

3. At the hearing Shri Prosanta Burman for the workmen stated that he was not pressing the claims on behalf of Sarvashri Gaffur Mian and Nuroo Mian as it is reported that they were working elsewhere.

4. The only claim that survived therefore was in respect of Shri Sambhu Koiri. After the parties had made their submissions at the hearing, they filed the annexed terms of settlement by which the management has agreed to take back Shri Sambhu Koiri in his old post of Fitter Helper with continuity of past service and to treat the period from 12th August, 1957 till Shri Sambhu Koiri reports for work as one of leave without pay. The management has also agreed to pay him by the end of June 1958 compensation equivalent to three month basic pay and dearness allowance payable to Fitter Helpers under the decision of the Labour Appellate Tribunal. Shri Sambhu Koiri has agreed to report himself for duty within 7 (seven) days from the date of the agreement. A copy of the terms of settlement is annexed hereto and marked Annexure 'A' and the parties have prayed that I should make an award in terms thereof.

5. I consider the terms of settlement as fair and reasonable and therefore make an award in terms of the settlement which shall form the part of this award.

6. No order as to costs.

SALIM M. MERCHANT, *Chairman,*

Central Government Industrial Tribunal, Dhanbad.

Dhanbad, the 7th June, 1958.

## ANNEXURE 'A'

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,  
DHANBAD.

REFERENCE No. 11 OF 1958

Employers in relation to Bokharo Jharia Colliery

and

Their Workmen.

May it please your Honour:

We the parties to the above dispute have come to the following settlement and pray that an award be made in terms thereof

- (1) The claims of Sarvashri Gaffur Mian and Nuroo Mian are not pressed as it is reported that they are working elsewhere.
- (2) With regard to the claim of Sambhu Koiri, the company offers to take him back in its service in his old post of Fitter Helper with continuity of past services. The period from 12th August, 1957 till Shri Sambhu Koiri reports for work within 8 days from the date of this agreement, shall be treated as one of leave without pay. The

company has also offered to pay him compensation equivalent to 3 (three) months basic pay and Dearness Allowance payable to Fitter Helper under the decision of the Labour Appellate Tribunal

(3) Shri Sambhu Koiri is to report himself for duty within 7 (seven) days from the date of this agreement

(4) The company shall pay the aforesaid compensation by the end of June 1958

The parties pray that an award be made in terms of the above settlement  
Dhanbad, 6th June 1958.

For the employers:

T P MUKHERJEA,

Manager, Bokharo Jharra Colliery

Dated the 6th June 1958

H. P SINGH,

Welfare Officer, Bokharo Jharra Colliery

Dated the 6th June 1958

Chairman Central Government Industrial Tribunal Dhanbad

Dated the 6th June 1958

For the Workmen;

P BURMAN,

Vice President, Coal Workers' Union Agarwalla

Colliery Br.

Dated the 6th June 1958

LTI of Sabhu Koiri,  
Explained in Hindi

P BURMAN,

[LR II/2(9)/58]

**S.O. 1231.**—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to Malkera Colliery of the Tata Iron and Steel Co Ltd, Jamadoba and their workmen.

#### CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DHANBAD

REFERENCE No 16 of 1958

Employers in relation to Malkera Colliery of the Tata Iron & Steel Co Ltd.  
Jamadoba

And

Their workmen

Dhanbad, dated the 5th June 1958

PRESENT

Shri Salim M Merchant, BALLB., Chairman

#### APPEARANCES.

Shri B N Sharma, General Secretary, Tata Collieries Labour Association,—  
for the workmen.

Shri G Prasad, Chief Personnel Officer, Messrs Tata Iron & Steel Co Ltd—  
for the employers

Industry Coal.

#### AWARD.

The Government of India, Ministry of Labour & Employment by order No LR II/1(26)58 dated 27th March 1958, in exercise of the powers conferred by clause (d) of sub section (1) of Section 10 of the Industrial Disputes Act, 1947 (XIV of 47), was pleased to refer the industrial dispute between the parties above named in respect of the matters specified in the schedule annexed to the said order of reference, which is reproduced below, for adjudication to me

"Whether the management of Malkera Colliery of the Tata Iron & Steel Co. Ltd. P.O. Jealgora (Dhanbad) District Dhanbad was justified in discharging Sarvashri D. P. Ganguly, S. P. Manjhi, S. K. Mukherjee and R. R. Singh all clerks of Malkera Colliery and whether the said Clerks are entitled to any relief and if so, what relief should be given."

2. After the usual notices were issued on the parties, Shri B. N. Sharma, General Secretary, Tata Collieries Labour Association filed the statement of claim on behalf of the workmen on 5th May 1958 and the management filed its written statement in reply thereto on 31st May 1958.

3. Thereafter, the parties appeared before me on 5th June 1958 and filed the terms of settlement reached between them and have prayed that the reference may be disposed of in terms thereof. A copy of the said terms of settlement is annexed hereto and marked Annexure 'A'.

4. Under the terms of settlement the management has given work in permanent posts to Sarvashri D. P. Ganguly, S. P. Manjhi and S. K. Mukherjee, three of the four workmen concerned in this reference. With regard to the fourth workman namely, Shri R. R. Singh the union does not press his claim as he has got a job elsewhere.

5. The terms of settlement appear to me to be fair and reasonable and I therefore make an award in terms thereof, which shall form part of this award.

6. Each party to bear its own costs.

Dhanbad.

(Sd.) SALIM M. MERCHANT,

The 5th June 1958.

Chairman,  
Central Govt. Industrial Tribunal.

#### ANNEXURE 'A'

#### BEFORE THE CHAIRMAN, CENTRAL GOVERNMENTS INDUSTRIAL TRIBUNAL DHANBAD.

REFERENCE No. 16 OF 1958

#### PARTIES:

Employers in relation of Malkera Colliery of the Tata Iron & Steel Co. Ltd.,  
Jamadoba, P. O. Jealgora, District Dhanbad.

And

Their workmen.

The Parties above named most respectively sheweth:—

- (1) It is prayed that the above dispute has been amicably settled and Sarvashri D. P. Ganguly, S. P. Manjhi and S. K. Mukherjee have been given work in permanent post by the Management. Shri R. R. Singh who is also an applicant has got a job elsewhere and is no more interested, and claim is not pressed.
- (2) In view of the above it is submitted that the above REFERENCE may be disposed of on the terms afore-said.
- (3) The Parties will bear their own costs.

B. N. SHARMA,

General Secretary,  
Tata's Collieries Labour Assocn. for Workmen.

C. PRASAD,  
Chief Personnel Officer, The Tata Iron & Steel Co. Ltd, for Employers

[LR/1(26)/58]

#### ORDERS

New Delhi, the 18th June 1958

**S.O. 1232.**—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to Religora Colliery and their workmen in respect of the matters specified in the schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

#### THE SCHEDULE

Whether the gradation of Shri Raquib, Magazine clerk (Grade III Clerk), Religora Colliery, under the award of the All India Industrial Tribunal (Colliery Disputes) is correct, and if not, in what grade in the clerical cadre he should be pleased and from which date and the relief, if any, to which he is entitled in case he is upgraded.

[No. LR11/2(57)/58.]

**S.O. 1233.**—Whereas the employers in relation to the management of the National Insurance Company Ltd., Calcutta and their workmen represented by the National Insurance Employees Union, Calcutta have separately applied to the Central Government for reference to a Tribunal of an industrial dispute in respect of the matters set forth in the said applications reproduced in the Schedule hereto annexed;

And whereas the Central Government is satisfied that the National Insurance Employees Union, Calcutta represents a majority of the workmen;

Now, therefore, in exercise of the powers conferred by section 7A and sub-section (2) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal with Shri A. Das Gupta, Member, Labour Appellate Tribunal, as the Presiding Officer, with headquarters at Calcutta, and refers the said dispute to the said Tribunal for adjudication.

#### SCHEDULE

##### FORM A

Form of application under sub-section (2) of section 10 of the Industrial Disputes Act, 1947, for the reference of an industrial dispute to a Tribunal.

Whereas an industrial dispute exists between the National Insurance Co. Ltd., 7, Council House Street, Calcutta-1 and the National Insurance Employees' Union, 7, Council House Street, Calcutta-1 and it is expedient that the dispute should be referred for adjudication by a Tribunal, an application is hereby made under sub-section (2) of Section 10 of the Industrial Disputes Act, 1947, that the said dispute should be referred to a Tribunal. This application is made by the undersigned who has been duly authorised to do so by virtue of a resolution (copy enclosed) adopted by a majority of the members present at a meeting of the National Insurance Employees' Union held on the 27th September, 1957.

A statement giving the particulars required under rule 3 of the Industrial Disputes (Central) Rules, 1947 is attached.

Dated the 11th January, 1958.

Signature of Applicant.

*For and on behalf of*

National Insurance Employees' Union.

(Sd.) Secretary.

*For and on behalf of*

National Insurance Co., Ltd.

(Sd.) Vice-President

The Secretary to the Government of India,  
Ministry of Labour,  
New Delhi.

Statement required under rule 3 of the Industrial Disputes (Central) Rules, 1947, to accompany the form of application prescribed under sub-section (2) of section 10 of the Industrial Disputes Act, 1947:

- (a) Parties to the dispute . . . . . The Management of the National Insurance Co., Ltd., 7, Council House St., Calcutta  
and  
National Insurance Employees' Union, 7 Council House Street, Calcutta.

- (b) Specific matters in dispute . . . . . Why two (2) months' salary as Annual Bonus should not be paid to each employees as per agreement between the National Insurance Co., Ltd., and the National Insurance Employees' Federation and its Head Office Union (National Insurance Employees' Union) dated 10th June, 1955.
- (c) Total number of workmen employed in the undertaking affected . . . . . One Hundred (100)
- (d) Estimate of the number of workmen affected or likely to be affected by the dispute . . . . . One Hundred (100)
- (e) Efforts made by the parties themselves to adjust the dispute . . . . . Negotiations held between the parties, but it failed.

*For and on behalf of*  
National Insurance Co., Ltd.  
(Sd.) Secretary.  
(Sd.) Vice-President

*Copy of a resolution unanimously adopted in the extraordinary general meeting of the National Insurance Employees' Union held on 27th September, 1957.*

RESOLVED that this Extraordinary General Meeting of the National Insurance Employees' Union held on 27th September, 1957 having considered the contents of the letter No.Sec/RSA/390 dated 25th September, 1957 received from the management and their willingness to refer the matter to Adjudication/Arbitration in future as and when situation arises or permits authorises the Secretary and/or the Vice-President of the Union to apply for such Adjudication/Arbitration whichever he/they deems/deem fit and to sign all relevant papers necessary in this connection.

RESOLVED further that the General Secretary of Eastern Zone Insurance Employees' Association be also authorised to represent for and on behalf of the Union at all levels.

Certified to be a true copy.

*For and on behalf of*  
National Insurance Co., Ltd.  
(Sd.) Secretary.  
(Sd.) Vice-President.

#### FORM A

Form of application under sub-section (2) of section 10 of the Industrial Disputes Act, 1947, for the reference of an industrial dispute to a Tribunal.

Whereas an industrial dispute exists between the National Insurance Co. Ltd., 7, Council House, Street, Calcutta-1 and the National Insurance Employees' Union, 7, Council House Street, Calcutta-1 and it is expedient that the dispute should be referred for adjudication by a Tribunal, an application is hereby made under sub-section (2) of Section 10 of the Industrial Disputes Act, 1947, that the said dispute should be referred to a Tribunal. This application is made by the undersigned who has been duly authorised to do so by the Manager, Shri S. M. Khaitan by virtue of letter dated 10th January, 1958. (Copy enclosed).

A statement giving the particulars required under rule 3 of the Industrial Disputes (Central) Rules, 1947 is attached.

Dated the 11th January, 1958.

*Signature of Applicant.*  
*For and on behalf of*  
National Insurance Employees' Union.  
(Sd.) Secy. (Admn.)

To

The Secretary to the Government of India,  
Ministry of Labour,  
New Delhi.

Statement required under rule 3 of the Industrial Disputes (Central) Rules, 1947, to accompany the form of application prescribed under sub-section (2) of section 10 of the Industrial Disputes Act, 1947:

- (a) Parties to the dispute . . . . . The Management of the National Insurance Co., Ltd., 7, Council House Street, Calcutta and National Insurance Employees Union.
- (b) Specific matters in dispute . . . . . Whether two months bonus or any bonus at all would be payable for the year 1957 Whether the agreement dated 10th June, 1955 is operative after the nationalisation of Life Insurance Business between the parties and whether the bonus as claimed by the National Insurance Employees Union is payable in pursuance of the said agreement?
- (c) Total number of Workmen employed in the undertaking affected . . . . . One Hundred (100)
- (d) Estimate of the number of Workmen affected or likely to be affected by the dispute . . . . . Thirty (30)
- (e) Efforts made by the parties themselves to adjust the dispute . . . . . Negotiations held between the parties but it failed.

*For and on behalf of*  
National Insurance Employees Union.  
(Sd.) Secy. (Admn.)

#### Copy

authorise Shri R S Agarwal, Secretary (Administration) of the National Insurance Co Ltd, to appear and produce papers and documents before the Industrial Tribunal and to sign applications or other documents as may be necessary from time to time in connection with the application under Sub-Section (2) of Section 10 of the Industrial Disputes Act, 1947 in the matter of dispute between the Company and National Insurance Employees Union regarding payment of bonus for the year 1957

(S d) S M KHATTAN,  
Manager.

*For and on behalf of*  
National Insurance Employees Union.  
(Sd.) Secy (Admn.)  
[No LR11-11(2)/58.]

**S.O. 1234**—Whereas the Central Government is of the opinion that an Industrial dispute exists between the employers in relation to Gourangdi Begonia Colliery and their workmen in respect of the matters specified in the schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication,

Now therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad constituted under section 7A of the said Act.

#### THE SCHEDULE

Whether the stoppage of work of Shri Upendra Chakraverty, depot peon was justified and, if not, to what relief he is entitled.

[No LR11/1(44)/58.]  
A L HANDA, Under Secy.

*New Delhi, the 20th June 1958*

**S.O 1235**.—In exercise of the powers conferred by clause (a) of section 19 of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government hereby directs that the powers exercisable by it under sub-section (4) of

section 1 of the said Act shall also be exercisable within each of the States specified in the Schedule annexed here to by the Government of that State.

#### SCHEDULE

1. Andhra Pradesh
2. Assam
3. Bihar
4. Bombay
5. Kerala
6. Madhya Pradesh
7. Madras
8. Mysore
9. Orissa
10. Punjab
11. Rajasthan
12. Uttar Pradesh
13. West Bengal.

[No. PF-I/32(5)/57/L.]

**S.O. 1236.**—In exercise of the powers conferred by clause (a) of section 19 of the Employees' Provident Funds Act, 1952 (19 of 1952) and in supersession of the notifications of the Government of India in the late Ministry of Labour No. PF. 42(1)/54 dated the 31st May, 1954 and the 2nd July, 1955 published under S.R.O. 1860 dated the 5th June, 1954 and S.R.O. 1474 dated the 2nd July, 1955 respectively, the Central Government hereby directs that the powers exercisable by it under sub-section (1) of section 17 of the said Act shall also be exercisable within each of the States specified in the Schedule annexed hereto by the Government of that State.

#### SCHEDULE

1. Andhra Pradesh
2. Assam
3. Bihar
4. Bombay
5. Kerala
6. Madhya Pradesh
7. Madras
8. Mysore
9. Orissa
10. Punjab
11. Rajasthan
12. Uttar Pradesh
13. West Bengal.

[No. PF-I/32(5)/57/II.]

**S.O. 1237.**—In pursuance of clause (1) of article 239 of the Constitution, the President hereby directs that the powers exercisable by the appropriate Government under sub-section (4) of section 1 and sub-section (1) of section 17 of the Employees' Provident Funds Act, 1952 (19 of 1952) shall also be exercisable by the Chief Commissioners of Delhi, Manipur, Tripura, the Andaman and Nicobar Islands and the Laccadive, Minicoy and Amindiv Islands and the Lieutenant Governor of Himachal Pradesh within their respective territories.

[No. PF-I/32(5)/57/III.]

*New Delhi, the 21st June 1958*

**S.O. 1238. PWA/7(2)(e)/Rlys.2/58.**—In pursuance of clause (e) of sub-section (2) of section 7, read with section 24, of the Payment of Wages Act, 1936 (4 of 1936), the Central Government hereby makes the following further amendment in the notification of the Government of India in the late Department of Industries and Labour, No. L3070 dated the 28th March, 1937, namely:—

In the said notification—

- (i) in item (vi), the word "and" shall be omitted;
- (ii) in item (vii) for the word "quarters" the words "quarters; and" shall be substituted; and
- (iii) after item (vii), the following shall be inserted namely:—  
"(viii) use of Railway Library".

[No. Fac.61(357)/58 ]

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*New Delhi, the 23rd June 1958*

S.O. 1239.—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds Act, 1952 (19 of 1952) the Central Government hereby appoints Shri D. N. Pradhan to be an Inspector (Grade II) for the whole of the state of West Bengal for the purposes of the said Act and of any Scheme made thereunder in relation to an establishment which is a factory engaged in a controlled industry or a mine or an oilfield.

[PF-I/31(465)/58]

P. D. GAIHA, Under Secy.

**MINISTRY OF FINANCE**  
(Department of Economic Affairs)

*New Delhi, the 19th April, 1958*

**S.O. 1240—Statement of the Affairs of the Reserve Bank of India, as on the 13th June, 1958.**

**BANKING DEPARTMENT**

LIABILITIES	Rs.	ASSETS	Rs.
Capital paid up . . . . .	5,00,00,000	Notes . . . . .	19,01,25,000
Reserve Fund . . . . .	80,00,00,000	Rupee Coin . . . . .	10,08,000
National Agricultural Credit (Long-term Operations) Fund . . . . .	20,00,00,000	Subsidiary Coin . . . . .	2,55,000
National Agricultural Credit (Stabilisation) Fund . . . . .	2,00,00,000	Bills Purchased and Discounted :—	
Deposits :—		(a) Internal . . . . .	..
(a) Government		(b) External . . . . .	..
(1) Central Government . . . . .	51,42,12,000	(c) Government Treasury Bills . . . . .	1,83,48,000
(2) Other Governments . . . . .	13,35,94,000	Balances held abroad* . . . . .	23,61,44,000
(b) Banks . . . . .	81,09,46,000	**Loans and Advances to Governments . . . . .	50,33,12,000
(c) Others . . . . .	113,16,52,000	Other Loans and Advances† . . . . .	56,80,44,000
Bills Payable . . . . .	18,41,72,000	Investments . . . . .	262,45,12,000
Other Liabilities . . . . .	43,85,80,000	Other Assets . . . . .	14,14,08,000
<b>TOTAL . . . . .</b>	<b>428,31,56,000</b>	<b>TOTAL . . . . .</b>	<b>428,31,56,000</b>

\*Includes Cash & Short term Securities.

\*\*Includes Temporary Overdrafts to State Governments.

†The item 'Other Loans and Advances' includes Rs. 14,45,89,000/- advanced to scheduled banks against usance bills under Section 17(4) (c) of the Reserve Bank of India Act.

An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 13th day of June, 1958.

ISSUE DEPARTMENT

LIABILITIES	Rs.	Rs.	ASSETS	Rs.	Rs.
Notes held in the Banking Department . . . .	19,01,25,000		A. Gold Coin and Bullion :—		
Notes in circulation . . . .	1604,98,09,000		(a) Held in India . . . .	117,76,03,000	
Total Notes issued . . . .		1623,99,34,000	(b) Held outside India . . . .	..	
			Foreign Securities . . . .	209,67,56,000	
			TOTAL OF A . . . .		327,43,59,000
			B. Rupee Coin . . . .		128,99,72,000
			Government of India Rupee Securities . . . .		1167,56,03,000
			Internal Bills of Exchange and other commercial paper . . . .		..
TOTAL LIABILITIES . . . .		1623,99,34,000	TOTAL ASSETS . . . .		1623,99,34,000

Dated the 18th day of June, 1958.

H. V. R. Iengar,  
Governor  
[No. F. 3 (2)-F. 1/58.]  
A. BAKSI, Jt. Secy.

**(Department of Revenue)****INCOME-TAX ESTABLISHMENTS.**

*New Delhi, the 13th June 1958*

**S.O. 1241.**—In pursuance of sub-rule (2) of Rule 20 of the Income-tax Allowances (Current Profits Deposit) Rules, 1957, the Central Government hereby appoints **Shri A. Y. Mehta**, Income-tax Officer Companies Circle III(6), Bombay, as Secretary to the Board of Referees, Bombay, in addition to his own duties, with effect from 11th May 1958, untill further orders, *vice* **Shri P. S. Subramanian**.

[No. 135.]

**S. R. MOHINDRA**, Under Secy.

**(Department of Revenue)**

*New Delhi, the 16th June 1958*

**S.O. 1242.**—In pursuance of clause (b) of Sub-rule (ii) of rule 2 of the Appellate Tribunal Rules, 1946, the Central Government has been pleased to appoint **Shri H. K. Sajnani**, Income-tax Officer, as Authorised Representative from the 1st May 1958, to appear, plead and act for any Income-tax authority who is a party to any proceedings before the Income-tax Appellate Tribunal.

[No. 13.]

**P. N. DAS GUPTA**, Dy. Secy.

**(Department of Revenue)****CUSTOMS**

*New Delhi, the 21st June 1958*

**S.O. 1243.**—In exercise of the powers conferred by section 6 of the Sea Customs Act, 1878 (8 of 1878), as in force in India, and as applied to the State of Pondicherry and in supersession of the notification of the Government of India in the Ministry of Finance (Revenue Division), No. 28-Customs, dated the 16th February, 1952, the Central Government hereby appoints the undermentioned officers of the Collectorate of Central Excise, Hyderabad, to be officers of Customs within their respective jurisdictions and to exercise the powers conferred, and to perform the duties imposed, by the said Act on such officers:—

1. The Collector of Central Excise.
2. The Deputy Collector of Central Excise.
3. All Assistant Collectors of Central Excise.
4. All Superintendents of Central Excise.
5. All Deputy Superintendents of Central Excise.
6. All Inspectors of Central Excise including those employed in Preventive Intelligence.
7. All Supervisors of Central Excise.
8. All Sepoys of Central Excise.

[No. 103.]

**S.O. 1244.**—In exercise of the powers conferred by section 188 of the Sea Customs Act, 1878 (8 of 1878), as in force in India and as applied to the State of Pondicherry and in supersession of the notification of the Government of India in the Ministry of Finance (Revenue Division) No. 30-Customs, dated the 16th February, 1952, the Central Government hereby empowers the Collector of Central Excise, Hyderabad, to hear appeals from the decisions or orders passed by officers of Customs subordinate to him under the provisions of the said Act and directs that any persons aggrieved by any decision or order passed by any of the said Customs Officers shall appeal to the Collector of Central Excise, Hyderabad:

Provided that if between the date of the decision or order passed and the date of hearing of the appeal, the officer who gave the decision or passed the order has

been promoted to be the Collector of Central Excise, Hyderabad, the appeal shall lie to the Central Board of Revenue

[No. 195]

M. C. DAS, Dy. Secy.

## CENTRAL BOARD OF REVENUE

### CUSTOMS

*New Delhi, the 21st June 1958*

**S.O. 1245.**—In exercise of the powers conferred by section 9 of the Sea Customs Act, 1878 (8 of 1878), as in force in India and as applied to the State of Pondicherry and in supersession of the notification of the Central Board of Revenue No. 67-Customs, dated the 27th December, 1952, the Central Board of Revenue hereby makes the following rules prescribing and limiting the powers and duties of officers of Customs in the Central Excise Collectorate, Hyderabad, namely:—

1. All Customs Officers at the ports and sub-ports under the jurisdiction of the Collector of Central Excise, Hyderabad are required to prevent smuggling and are authorised to exercise all the powers conferred by Chapter XVII of the said Act on officers of Customs duly employed for the prevention of smuggling.

2. All Superintendents, Deputy Superintendents, Inspectors and Supervisors of Central Excise shall exercise the powers and perform the duties in connection with the examination and classification of goods referred to in the various sections of the said Act.

3. Officers of Customs not below the rank of Supervisor of Central Excise shall have powers to grant written permission under section 72 of the said Act for the landing of fresh fruits, vegetables and live-stock—

(a) on any Sunday or holiday, and

(b) on any day beyond the hours from time to time appointed by the Chief Customs-authority by notification in the Official Gazette, at a wharf which is appointed for the landing of such goods.

4. (1) All Superintendents, Deputy Superintendents, Inspectors and Supervisors of Central Excise shall in respect of all ports within their respective jurisdictions exercise the powers conferred, and perform the duties imposed, on a Customs-collector under sections 5, 24, 29, 29A, 29B, 54A, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 69, 72, 73, 83, 85, 86, 136, 140, 141, 143, 158, 159, 160, 161, 166, 170, 172, 189, 192, 195, 200, 201 and 203 of the said Act.

(2) All Superintendents and Deputy Superintendents of Central Excise shall in respect of all ports within their respective jurisdictions also exercise the powers conferred and perform the duties imposed on a Customs-collector under sections 25, 27, 33, 34A, 42, 70, 71, 84, 94, 97, 98, 110, 113, 120, 121, 122, 128, 132, 138 and 139 of the said Act.

[No. 194.]

M. C. DAS, Secy.

### CUSTOMS

*New Delhi, the 28th June 1958/7, Asadha 1880*

**S. O. 1246.**—In exercise of the powers conferred by clauses (b), (c) and (d) of section 11 of the Sea Customs Act, 1878 (8 of 1878) and in supersession of the late Cochin Government Notifications Nos. 49, 50, 51, 52, and 53 all dated the 14th November, 1944 and No. 116 dated the 14th March, 1945 and further in supersession of the Central Board of Revenue Notifications No. 27-Customs dated the 12th July, 1930, 95-Customs dated the 7th December, 1953 and 93-Customs dated the 10th November, 1956 in so far as they relate to the port of Cochin, appointing wharves for the landing and/or shipping of goods or of particular classes of goods and declaring

limits of such wharves, the Central Board of Revenue as the Chief Customs authority hereby declares that:—

(1) for the purpose of clause (b) of the said section, the limits of the Port of Cochin shall be:

From a point in the Arabian sea at 10° North Latitude and three nautical miles due West from the high water mark on the Vypeen shore at the same Latitude, to the South along a line parallel to and at a distance of three nautical miles from the high water mark on the Vypeen, Cochin and Mattancherry shores to a straight line joining the high water mark on the Mattancherry shore at a point 3 land miles south of the southern entrance to the back water to a point in the Arabian Sea 3 nautical miles due west at the same Latitude thence along the high water mark of the Cochin and Mattancherry foreshores up to the South Eastern corner of survey No. 1323, thence in a straight line to a point approximately half a mile due south to the southern most point of Venduruthy Island at a position approximately Latitude 9° 55', 38.02" N. Longitude 76° 16' 30.07" E., thence in a straight line to a point on the Elamkulam shore due east of the southern most point of the Venduruthy Island:—thence to the North by high water mark along the Elamkulam and Ernakulam shores up to a point where it joins the 10° N. Latitude, thence due west along the 10° N. Latitude, upto the point in the Arabian Sea three nautical miles due West from the high water mark on the Vypeen shore herein before mentioned; and including the following:—

- (i) all land belonging to the Port,
- (ii) the Oil installations of Burmah Shell Oil Storage and Distributing Company, of India Limited,
- (iii) the oil installation of Standard Vacuum Oil Company,
- (iv) the oil installation of Caltex (India) Limited, adjacent to the Ernakulam Junction Railway Station,
- (v) all future extensions of these three oil installations,
- (vi) all Navigable waters,
- (vii) all land within 50 yards of high water mark and
- (viii) wharves and other works made on behalf of the public for the convenience of the traffic for safety of vessels or for the improvement, maintenance or good government of the Port but excluding all lands 50 yards away from the high water mark in Vypeen, Wallarpet, Bolghaty and Thanthony South of 10° North Latitude and all lands 50 yards away from the high water mark in Ramanthuruthy and Venduruthy Island;

(2) for the purpose of clauses (c) and (d) of the said section, the wharves for the landing and/or shipping of goods or of particular classes of goods at the Port of Cochin shall be as defined in the Schedule hereto annexed and the limits of the said wharves shall be as defined in column 4 thereof; and

(3) the wharves shown in column 3 of the said Schedule as belonging to the Cochin Port Authority shall be open to use by the public and those shown as under the control of private parties shall be private wharves.

SCHEDULE  
COCHIN PORT

Name of the Port	Number of Wharf	Name of owner	Limits of the wharf	Particulars of class of goods to be dealt with	The manner of dealing with them
1	2	3	4	5	6
Cochin Port . .	1	Messrs. Standard Vacuum Oil Company, Ernakulam	313'×37' at Ernakulam North joined by the pipe line 887' East Kerosene oil godowns and filling room, south boundary wall abutting on canal and west Backwater.	Petroleum and petroleum products.	Landing and shipping.
Cochin Port . .	2	Messrs. Burmah Shell Oil Storage and Distributing Company of India, Limited, Ernakulam.	120'×30' of 'B' section at Ernakulam North, East and South—B—installations and West Backwater.	Petroleum and petroleum Products.	Landing and shipping.
Cochin Port . .	3	Messrs. Aspinwall and Company Ltd, Cochin (Lessee from Government).	The Jetty 66'×31' on the foreshore in front of M/s. Aspinwall and Company's godowns at Ramanthuruthy Island known as Candle Island (survey No. 2/3 of Cochin outlying pattams.)	Ilmenite sand only.	Shipment under Customs supervision.
Cochin Port . .	4	Messrs. Aspinwall and Company, Limited, Cochin (Lessee from Government)	The Jetty 17'×15' on the foreshore in front of M/s. Aspinwall and Company's southern godowns at Ramanthuruthy Island known as Candle Island (survey No. 2/1 of Cochin outlying pattams.)	Non-dutiable cargo. Ilmenite sand.	Shipment under Customs supervision.
Cochin Port . .	5	Cochin Port Authority	The Fort Cochin wharf in all about 555' and situated to the North of the Port Authority's godowns bounded on the West by the boat shed and on the East by the fence separating the wharf from the ferry jetty.	All cargo.	Landing and shipping.

Do.	.	.	6	Cochin Port Authority .	New Coal <sup>st</sup> Berth—consisting of two concrete platforms 48' long connected to the shore by concrete gangways and situated south of the Main wharf on Willingdon Island.	All cargo	.	Do.
Do.	.	.	7	Do.	Low wharf inside the wharf area situated south of the high wharf and in all about 154'—6" long.	Do	.	Do.
Do.	.	.	8	Do.	Willingdon Island Port wharves area—Q. 1—situated West of the southern transit shed and 600' in length.	All cargo and supply of bunkers to Ships'	.	Do.
Do.	.	.	9	Do.	Willingdon Island Port wharves—Q.—2. situated West of the Second transit shed from the South and 500' in length.	Do.	.	Do.
Do.	.	.	10	Do.	Willingdon Island Port wharves—Q. 3.—situated West of the 3rd transit shed from the south and 500' in length.	Do.	.	Do
Do.	.	.	11	Do.	Willingdon Island Port wharves—Q4—situated West of the 4th transit shed from the south and about 628' in length.	Do.	.	Do.
Do.	.	.	12	Do.	Jetty in the wharf about 81' 5" long and situated within the wharf premises north.	All cargo	.	Do.
Do.	.	.	13	Do.	Boat Train pier jetty consisting of two concrete dolphins each 46'—2" long and a jetty head in the centre 26' 1½" long and connected to the shore by gangway and situated near the Customs and baggage examination shed and to the south of the wooden jetty and filling point for bunkering of oil from tank No. 1 situated at a distance of 300 ft. from B.T.P. Jetty.	Mails, Passengers and all cargo and filling of oil in barges at the bunkering point—Landing of bunker oil to the shore installation and supply of bunker oil for steamers and barges.	.	Do

1	2	3	4	5	6
Cochin Port . .	14	Cochin Port Authority.	Wooden Jetty in front of the Custom House Baggage shed Willingdon Island 114'-3" long and situated near the Customs and Baggage Examination Shed.	Mails, Passengers and baggage.	Landing and shipping.
Do. . .	15	M/s. Caltex (India) Limited, Ernakulam.	Situated in front of the property on the eastern bank of Ernakulam channel 400' long and is about 250 yards south of oil tanker berth and about 1 mile towards the North of the rail cum road bridge connecting Ernakulam and Willingdon Island.	Petroleum and petroleum products.	Do.
Do. . .	16	Lessee—M/s. Harrisons and Crosfield Ltd., Cochin Jew Town. R.A.F. coching godowns No. 2 Jetty—Municipal No. 14/19—Owner Mrs. Khadija Bhai.	Two Jetties 20' and 22' in length to the east of the godown.	Ilmenite sand .	Shipment under Customs supervision.
Do. . .	17	Lessee—M/s. Harrisons and Crosfield—Owner Salay Mohamed Ebrahim Sait—New Godown Jetties on survey No. 901/1-2 and 13/5/1—Municipal No. 21/56 B & C.	One jetty 20'-6" in length situated to the east of the godown.	Ilmenite sand.	Do.
Do. . .	18	M/s. Harrisons and Crosfield Ltd., Paluruthy Office Jetty Municipal No. 24/1.	One jetty 10' in length situated to the east of the godown.	Do.	Do.

Do.	19	Lessee—M's. Harrisons and Crosfield Ltd, Cochin—Owner M/s. A V Thomas and Company, Limited, Pal-hurthy Jetty Municipal No. 24/274.	One jetty 31'-6" in length situated to the east of the godown.	Do	Do.
Do	20	Tanker Berth Jetty with two berths—North and South Cochin Port Authority.	Consists of two fender dolphins each 44'-4" long and a jetty head in the middle 49'-7½" long for each berth. A main R C pipe line jetty 805 feet long from the shore connects the southern Jetty head. An R C Jetty arm 840' long stands from the main jetty at 635' from shore and runs at right angles to the main jetty for 670' and connects the North Berth. The main R C. Jetty is situated about 1215' south of Huzur jetty at Ernakulam fore-shore	White oil and black oil and supply of bunker to ship	For pumping oil direct from the oil tankers to the shore installations of the oil companies.

[ No 197 ]

M. A RANGASWAMY, Secy.

**OFFICE OF THE ASSISTANT COLLECTOR OF CENTRAL EXCISE, BOMBAY***Bombay, the 20th June 1958*

**S.O. 1247.**—Whereas it appears that the marginally noted unclaimed goods which were seized by the Central Excise Staff at Bharmadeo Nala, on Daman Frontier on 6th May 1957 at about 4 hrs. in the jurisdiction of Ch. No. 5 and 6 were imported by land from Daman, Portuguese Territory in India. In contravention of Section 5(1) of the Land Customs Act 1924 and the Govt. of India Ministry of Commerce and Industry I.T.C. order No. 17/55 dated 7th December 1955 issued under the Import and Export Control Act, 1947 and deemed to have been issued under Section 19 of the Sea Customs Act 1878. Now, therefore any person claiming the goods is hereby called upon to show cause to the Assistant Collector of Central Excise Bombay III Dn., as to why the above mentioned goods should not be confiscated under Section 5(3) of

the Land Customs Act, 1924 read with Section 167(8) of the Sea Customs Act 1878 and why a penalty should be not imposed on him under Section 7(1) (c) of the Land Customs Act 1924 read with Section 167(8) of the Sea Customs Act 1878. If such an owner fails to turn up to claim the above mentioned goods or to show cause against the action proposed to be taken within 30 days from the publication of this notice in the Govt. of India Gazette/Bombay State Government Gazette, the goods in question will be treated as unclaimed and the case will be decided accordingly.

[No. VIII/10-47/58.]

(Sd.) Illegible

Assistant Collector, Central Excise, Bombay III D.

**THE MYSORE CENTRAL EXCISE COLLECTORATE, BANGALORE**

*Corrigendum to Notification No. 4/58 (C. No. IV.16.16.57.B.I) dated 3-4-1958 of the Collector of Central Excise, Bangalore.*

*Bangalore, the 14th June 1958*

**S.O. 1248.**—The words "subject to such conditions as may be imposed by Central Board of Revenue or Collector" occurring in Col. 3 of the table subjoined to the above notification against Rules 144, 153, 38, 154, 75, 183, 230, 43, 44, 46, 47(3), 48, 57(d) and 180 specified in Column 2 thereof shall be deleted.

[C. No. IV.16.87.58-B.1]

D. N. KOHLI,  
Collector.**ERRATUM**

In the notification No. 2/58, dated the 26th March 1958 of the Mysore Central Excise Collectorate, Bangalore, published under S.O. 668 in the Gazette of India, Part II—Sec. 3(ii), dated the 28th April 1958, at pages 453-454, in Appendix A in column 3 against serial No. 4, read

"Soft and Hard acid oil,  
Soap Stock  
Spent earth",  
for

"Soft and Hard acid oil, soap stock."